

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THOMAS L. WILLIAMS,
also known as Malik
Ali El-Bey,

Case No. 3:19-cv-00715-MMD-WGC

ORDER

Plaintiffs,

STATE OF NEVADA, *et al.*,

Defendants.

Plaintiff is an incarcerated person at the Washoe County Detention Facility who filed a *pro se* civil rights complaint. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (ECF No. 10), recommending that the Court dismiss this action without prejudice and deny Plaintiff’s motion for preliminary injunction (ECF No. 6), motion for appoint of counsel (ECF No. 7), and two motions/applications for leave to proceed *in forma pauperis* (the “IFP Applications”) (ECF Nos. 8, 9). Plaintiff had until April 2, 2020 to file an objection. To date, no objection has been filed. For that reason, and because the Court agrees with Judge Cobb, the Court will adopt the R&R.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the court "need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation").

3 The Court finds it unnecessary to engage in *de novo* review to determine whether
4 to adopt Magistrate Judge Cobb's R&R and is satisfied that there is no clear error. As
5 Judge Cobb found, it is not entirely clear whether Plaintiff is seeking to vindicate federal
6 civil rights, habeas review, or if he is attempting to challenge his arrest and his ongoing
7 State criminal prosecution. (ECF No. 10 at 3.) Judge Cobb recommends dismissing the
8 action because absent extraordinary circumstances, federal courts may not interfere with
9 pending state criminal prosecutions even when they raise issues regarding federal rights
10 or interests. (*Id.*) See *Younger v. Harris*, 401 U.S. 37, 44 (1971). Judge Cobb also
11 recommends that the Court deny Plaintiff's IFP Applications. See *Minetti v. Port of Seattle*,
12 152 F.3d 1113, 1115 (9th Cir. 1998) ("[A] district court may deny leave to proceed in forma
13 pauperis at the outset if it appears from the face of the proposed complaint that the action
14 is frivolous or without merit."); *Dalton v. United States*, 422 Fed. Appx. 644, 645 (9th Cir.
15 2011) (holding that district court did not abuse its discretion by denying prisoner's request
16 to proceed in forma pauperis because it appeared from the face of the complaint that the
17 action was *Heck*-barred). The Court agrees and will adopt the R&R.

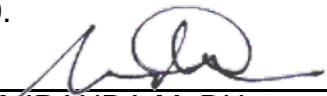
18 It is therefore ordered that the Report and Recommendation of Magistrate Judge
19 William G. Cobb (ECF No. 10) is accepted and adopted in full.

20 It is further ordered that Plaintiff's motions for leave to proceed in forma pauperis
21 (ECF Nos. 8, 9) are denied.

22 It is further ordered that Plaintiff's remaining motions (ECF Nos. 6, 7) are denied as
23 moot.

24 The Clerk of Court is directed to enter judgment in accordance with this order and
25 close this case.

26 DATED THIS 8th day of April 2020.

27 
28 MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE